

RATTET, PASTERNAK & GORDON-OLIVER, LLP
Proposed Attorneys for the Debtor
550 Mamaroneck Avenue
Harrison, New York 10528
(914) 381-7400

Jonathan S. Pasternak
Dawn K. Arnold
Julie A. Cvek

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11
Case No. 09-14557 (ALG)

ROCK 49TH REST. CORP.
d/b/a City Lobster & Steak,

Debtor.

Tax I.D. No. 13-3972761

-----X

**AFFIDAVIT RELATING TO PAYMENT OF
THIRD-PARTY RETAINER**

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

Andrew Silverman, being duly sworn, deposes and says:

1. I am the principal of the Debtor, and the payor of a third-party retainer to Rattet, Pasternak & Gordon-Oliver, LLP (“RP&GO”), proposed attorneys for the above-captioned Debtor and Debtor-In-Possession.
2. Deponent makes this affidavit in support of the application filed by the above-captioned Debtor relating to the retention of RP&GO as attorneys for the Debtor in the bankruptcy case herein.

3. Deponent paid, pre-petition \$26,500.00 in personal funds as a third-party retainer to RP&GO for costs and expenses to be incurred on behalf of the above-referenced Debtor.

4. I personally provided the third-party retainer to RP&GO in order to secure their services to the Debtor in this Chapter 11 case.

5. I have not retained independent legal counsel regarding the payment of the aforementioned retainer to RP&GO.

6. I understand that the undivided loyalty of RP&GO is to its client, the above-captioned Debtor.

7. Further, I do not have any intention of asserting a claim against the estate of the Debtor for funds advanced for legal fees in this case.

8. Based upon the foregoing, it is my belief that I do not have any adverse interest against the estate of the Debtor herein, or with any creditor or any other party in interest.

/s/ Andrew Silverman

ANDREW SILVERMAN

Sworn to before me this
21st day of July, 2009

Julie A. Cvek

Notary Public